

EXHIBIT
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CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 19-0002M, **Version:** 1

Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Ordinance), Section 146-134 (Performance Standards) of the Code of Ordinances

COUNCIL GOAL: Operational Excellence
(2c. Identify opportunities for internal efficiencies and continuous improvement to effect a high performing organizational culture)

MEETING DATE: March 26, 2019

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Michael Quint, Executive Director of Development Services

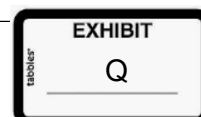
APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the April 16, 2019 meeting.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

ITEM SUMMARY: Staff is proposing to amend Section 146-134 (Performance Standards) of the Zoning Ordinance to modernize outdated provisions related to noise and the measurement of sound; and to provide additional clarity regarding which uses and activities are exempt from these regulations.

BACKGROUND INFORMATION: Section 146-134 of the McKinney Zoning Ordinance regulates the basic performance standards that any and all developments in the City of McKinney shall follow. This includes basic standards for things such as noise, smoke and particulate matter, odorous matter, toxic matter, hazardous materials and construction hours. The proposed amendment would only modify the provisions of Section 146-134 related to noise. Although specific regulations pertaining to noise are more fully defined in Chapter 70 of the McKinney Code of Ordinances, certain noise-related provisions including, but not limited to maximum sound pressure (decibel) levels are maintained in Section 146-134 of the Zoning Ordinance.

Recently, through the application of the regulations contained in the City's performance standards, we have been in contact with a number of property owners and industry professionals who have highlighted the outdated nature of McKinney's allowable sound pressure levels. To address this feedback and to ease in the consistent application of maximum decibel levels throughout the City,



Staff is proposing to update the allowable sound pressure levels.

The proposed updates will also bring the City closer in line with our sister cities as it relates to the regulation of noise. For example, Staff is proposing to modify the allowable decibel levels as follows:

- Maximum Sound Pressure Level in Residential Districts (Day): 65dB(A)
- Maximum Sound Pressure Level in Residential Districts (Night): 58dB(A)
- Maximum Sound Pressure Level in Non-Residential Districts (Day): 70dB(A)
- Maximum Sound Pressure Level in Non-Residential Districts (Night): 60dB(A)
- Daytime hours are from 6:00 am to 9:00 pm (*no changes proposed*)

For comparison purposes, some adjacent cities' maximum decibel levels are outlined below:

- Allen:
 - 65db(A) (day); 58dB(A) (night)
- Frisco:
 - No decibel level caps
- Plano:
 - Residential 65dB (day); 55dB (night)
 - Commercial/Mixed Use: 70dB (day); 60dB (night)
 - Industrial: 75dB (day); 65 dB (night)

Additionally, McKinney has grown significantly as a community since this ordinance's last significant update and is now home to more outdoor activities which produce noise including, but not limited to civic events (ex: City-sponsored special events and other associated civic events); outdoor amphitheaters (ex: Bonnie Wenk Park); and sporting stadiums (ex: MISD's new stadium and event center). It is recognized that these types of events, which do produce increased decibel levels, add to the character and quality of life of the community and as such should be exempted from traditional limitations. In light of these changes in our community, Staff is also proposing to update the list of lawful exemptions to the noise provisions of Section 146-134 to more fully identify activities such as the provision of municipal services, events, and functions that ensure the health, safety, and welfare of the City.

The proposed amendments will improve the overall clarity and administration of the City's noise-related performance standards.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no emails or phone calls in support of or opposition to the proposed amendments.